

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 13, 2009**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB112** by Ellis (Relating to deferred prosecution programs for certain military service members and veterans.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure relating to deferred prosecution programs for certain military service members and veterans. The bill would require judges trying criminal cases to establish and publish eligibility requirements for a deferred prosecution program for military service members and veterans whose criminal conduct was materially affected by brain injuries or mental illnesses, resulting from military service. The bill would provide that upon successful completion of deferred prosecution program, service members and veterans would be eligible to seek an expunction of arrest records. To the extent the bill would add or modify court procedures relating to deferred prosecutions, no significant affect on judicial workloads or fiscal implication to the State is anticipated. The bill would take effect September 1, 2009.

**Local Government Impact**

The bill would require judges trying criminal cases to establish and publish eligibility requirements for a deferred prosecution program for military service members and veterans whose criminal conduct was materially affected by brain injuries or mental illnesses, resulting from military service. The court would be allowed to determine eligibility of defendants in misdemeanor or felony cases. According to the Office of Court Administration, costs to local courts are not anticipated to be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice

**LBB Staff:** JOB, ESi, TB, TP